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International Convention on the
Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-eighth session

SUMMARY RECORDS OF THE 1128th TO 1155th MEETINGS

Held at the Palais des Nations, Geneva,
from 26 February to 14 March 1996

Corrigendum

PUBLIC MEETINGS

The present document contains the corrections received from members of the Committee, delegations and the Secretariat applying to the English text of the summary records of the public meetings of the Committee on the Elimination of Racial Discrimination at its forty-eighth session (CERD/C/SR.1128, 1129/Add.1 and 1130-1155).

The Committee also held one closed meeting, the summary record of which (CERD/C/SR.1129) was issued in restricted distribution. No corrections to the record of the closed meeting were received.

With the issuance of the present corrigendum, the summary records of the meetings held by the Committee on the Elimination of Racial Discrimination at its forty-eighth session are to be considered final.

GE.99-42458 (E)

1128th meeting

Paragraph 30, last line

Replace Greece by Croatia

1129th meeting (second part)

Paragraph 19, line 2

Replace ran counter to the Convention by could be interpreted, or most likely would be implemented, contrary to the Convention, since they would, in effect, consolidate the results of ethnic cleansing

Paragraph 38

Replace the existing text by the following:

38. Mr. SHERIFIS said that the Committee was indeed overreacting to the letter. The Committee's concluding observations had included positive comments on the policies of Italy in many principal areas of concern to the members of CERD, who had voiced their satisfaction. However, the current debate concerned what could be a translation error in the wording of a specific paragraph of the letter. It was enough to bring to Italy's attention in due course the fact that the Committee disagreed with that wording. Alternatively, the Committee could send a copy of its concluding observations to the Chairman of CAT, if it so wished, through proper channels, i.e. its Secretary.

1130th meeting

Paragraph 2

Penultimate line: for Convention read International Convention on the Elimination of All Forms of Racial Discrimination

At the end of the paragraph insert It raised above all important humanitarian concerns of refugees and displaced persons who had been deprived of their property because of war, invasion and occupation. That inhuman situation existed in Europe, Africa, Asia and elsewhere. It was important, therefore, for the Committee to deal with the issue and clarify it on the basis of article 5 (d)(v) of the Convention. He accordingly proposed the adoption of a general recommendation on the right to property and to inherit of refugees and displaced persons who had been forced to flee their properties because of armed conflict.

1137th meeting

Paragraph 9

The last four lines should read

interpretations. He proposed that the Committee should collectively affirm the view that the clause required the balancing of the right to

protection from racial discrimination against the right to freedom of expression. Both the majority and the minority judgements of the Court were compatible with such an interpretation of that clause in article 4.

Paragraph 11

The last four lines should read

should consider the action undertaken by the Commission for Racial Equality in London when dealing with the tractor manufacturers Massey Ferguson, who had recruited workers by asking the existing workforce to introduce potential new employees. That was, in effect, discriminatory.

1139th meeting

Paragraph 3, penultimate line

Before cases insert two

Paragraph 7

Line 1: after funding insert (£1.3 billion per year)

Line 3: after 1994. insert More than £800 million would be available for new schemes from the SRB Challenge Fund.

Paragraph 8, line 6

For article 7 read article 6

Paragraph 11, line 12

After included insert a well-entrenched tradition of respect for the rule of law, a truly independent judiciary and

Paragraph 12

Line 3 should read

the Hong Kong Government had prepared Chinese drafts of all the laws (including subsidiary legislation) originally enacted in English only. The

Paragraph 13

Line 3: replace They by Amendments to another four ordinances

Line 4: replace session. The by session if the necessary time slot could be secured. With reference to paragraph 19, the

Paragraph 14

Line 11: replace amend by remedy the position arising from

Line 11: replace Five by With reference to paragraph 25, five

Last line: replace help. by help, and it was planned to open a second five-day centre shortly. Setting up permanent centres and facilities was also under discussion.

Paragraph 15

Line 1: replace The by Since 1975, the

Lines 2 and 3: for comprehensive plan of action read Comprehensive Plan of Action

Paragraph 16

Line 1: after objective insert that all judicial proceedings might be conducted in Chinese or in English and that by July 1997 more judicial posts should be filled by local candidates,

Line 1: insert a comma after report

Line 3: after Chinese. insert The judiciary planned to use that practice more frequently whenever appropriate.

Paragraph 17

Line 5: after transfers insert and the terms of service for officers so transferring

Penultimate line: replace roughly 99 by 99.1

1140th meeting

Paragraph 34, last line

Replace detention by retention

Paragraph 36, penultimate line

Replace such by ethnic monitoring

Paragraph 37

Line 8: delete racist

Line 9: replace Racist incidents by Incidents

Line 11: after incidents insert reported to the police

Paragraph 38

Lines 1 to 9 should read

38. Mr. STEEL (United Kingdom) referred to the criticism levelled by most members of the Committee, and in particular by Mr. van Boven, against the interpretative statements made by the United Kingdom Government, when ratifying the Convention, concerning articles 4 and 6 of the Convention. Mr. van Boven had criticized those statements as "redundant" because they reflected (albeit in what he considered to be inappropriate or excessive terms) what was already the effect of those two articles. Other members of the Committee had taken a different view and had concluded that there was a difference of substance between the United Kingdom's interpretation of the obligations deriving from those two articles and theirs. The Government of the United Kingdom must therefore maintain its interpretative statements and, in relation to article 4 of the Convention, must accordingly maintain its position, as set out in paragraph 36 of the report relating to the metropolitan territory, that "to ban extremist organizations, or to attempt to curtail their

Lines 13 to 16 should read

The interpretative statements necessarily also applied to the United Kingdom's dependent territories, including Hong Kong. For the reasons indicated in paragraph 31 of the report in respect of Hong Kong, the Hong Kong Government's assessment was that the factual circumstances in Hong Kong made further legislation to implement article 4 of the Convention neither necessary nor desirable.

Paragraph 40, penultimate line

After project insert in principle

Paragraph 43, last line

After was insert expected

Paragraph 47, lines 4 and 5

Replace extent, but they were by extent; the information supplied to the Committee was

Paragraph 51, penultimate line

Insert a comma after origins

Replace supposed by expected

Paragraph 52, line 2

Replace a copy in the parliamentary library by copies in the Parliamentary Libraries

Paragraph 53

Line 5: replace Minorities by As regards political representation, minorities

Line 6: replace it by the selection of candidates was in the hands of local constituencies. It

Line 7: replace very by relatively

Paragraph 54

Lines 2 and 3 should read

recognized the correlation between issues of immigration and racism in the sense that effective immigration control was necessary to ensure good

Lines 10 and 11: replace taken advantage of by abused

Line 11: replace illegal immigrants by immigration detainees

Paragraph 55, line 3

After could insert on appeal

Paragraph 56

Lines 2 and 3: replace monitoring of immigration to the United Kingdom was by United Kingdom's immigration controls were

Line 4: replace officers by officials

Line 5: replace taking account of by regard to

Line 9: replace being admitted by doing so

Paragraph 57

Line 2: delete right of

Lines 3 and 4: delete or at least those who were within their rights

Last line: replace Refugees. by Refugees, and the rights of those currently entitled to come to the United Kingdom to live would not be affected.

Paragraph 58

Line 2: after asylum insert where removal was to be made to a safe third country

Line 3: replace expulsion by removal

Line 4: replace would also apply by might also be applied

Line 5: replace expulsion by removal

Line 6: replace expulsions by removals

Paragraph 59

Line 1 should read

59. The United Kingdom Government viewed the primary purpose rule referred to by Mrs. Sadiq Ali as

Line 2: delete the Government,

Line 3: after marriage insert as a means

Lines 6 and 7: replace given a sympathetic hearing by considered sympathetically

Line 7: replace eliminate by override

Paragraph 60

Line 11: for nationals overseas read Nationals (Overseas)

Line 12: for overseas read Overseas

Paragraph 61

Line 3: for nationals overseas and British overseas read Nationals (Overseas) and British Overseas

Lines 7 and 8 should read

United Kingdom without a visa. Moreover, the British Prime Minister had given an explicit guarantee, just the previous day in Hong Kong, that any person who was solely a British national and who came under pressure to leave Hong Kong at any time after 1 July 1997 would be admitted to the United Kingdom for settlement there. But what was of

1141st meeting

Paragraph 3

Lines 2 to 5 should read

said that Hong Kong shared the Human Rights Committee's view, as stated in its General Comment 18 on article 26 of the International Covenant on Civil and Political Rights, that the principle of non-discrimination contained in article 26 was not limited to the rights provided for in that Covenant. With the enactment of the Bill of Rights Ordinance in Hong Kong, what that meant was that as a matter of domestic law any

legislation had to be non-discriminatory in content and application regardless of its subject matter. It did not, however, mean that rights not provided for in the International Covenant on Civil and Political Rights, for example those referred to in the International Covenant on Economic, Social and Cultural Rights, were made justiciable in domestic law in the same way that rights provided for in the International Covenant on Civil and Political Rights were. With regard to the prohibition of

Paragraph 4

Lines 1 and 2: delete the supplementary information provided by his delegation showed that

Line 2: after detention insert naturally

Lines 6 to 9 should read

Commissioner for Refugees. Secondary education had been withdrawn by the High Commissioner for Refugees following the last meeting of the Steering Committee of the International Conference on Indo-Chinese Refugees, when it had been noted that all Vietnamese migrants in the region had been screened out and should return to Viet Nam. The Hong Kong Government understood that the United Nations High Commissioner for Refugees did not provide secondary education in other first-asylum countries. Hong Kong had no wish to detain

Line 12: for $150 read US$ 150

Line 13: replace pleasant by humane

At the end of the paragraph insert Physical contact with armed violent inmates would have led to more serious injuries for all concerned.

Paragraph 5

Lines 9 to 11 should read

body with a wide-ranging but imprecise remit in the field of human rights. Moreover, more improvements were already in hand: legal aid was made more readily available in cases involving the Bill of Rights; the judiciary would be given additional resources in order to reduce the court waiting times; the ombudsman system was being improved; and an equal opportunities commission

Paragraph 6

Line 1: delete drafted

Line 3: replace Mandarin by Chinese

Lines 4 to 8 should read

The Official Languages (Amendment) Ordinance 1995 provided for the removal of the restriction on the use of Chinese in the higher courts. The Hong Kong Government was implementing an eight-phase strategy aimed at devising a framework allowing the use of Chinese, along with English, in all court proceedings in Hong Kong before 1 July 1997. The Hong Kong Government was also reviewing the language requirement for jurors.

Paragraph 7

Delete the second sentence.

Line 8: after employment. insert The two-week rule applied on premature termination of a contract by either party. It could be waived for the domestic worker under exceptional circumstances, for example when premature termination was due to financial insolvency of the employer or maltreatment.

Line 11: replace be able to by change employers and

Line 12: replace the other people of by other workers in

Paragraph 8, last sentence

Replace the existing text by the following:

NGOs, including Amnesty International, provided valuable assistance and advice in the preparation of those activities and materials.

1145th meeting

Paragraph 39

Line 1: insert a comma after said

Line 2: replace experiments in bringing together by seminars in the United Kingdom which had brought

Line 3: replace with representatives by together with members

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